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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,518	07/07/2000	Jae-Yoel Kim	37M1	6612
<div>28249 7590 06/28/2007</div> <div>DILWORTH & BARRESE, LLP</div> <div>333 EARLE OVINGTON BLVD.</div> <div>SUITE 702</div> <div>UNIONDALE, NY 11553</div>				
			<div>EXAMINER</div> <div>COLIN, CARL G</div>	
			<div>ART UNIT</div> <div>2136</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>06/28/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/611,518	Applicant(s) KIM ET AL.	
	Examiner Carl Colin	Art Unit 2136	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1,21,31-47 and 54-70.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant states "since the masking step produces the third m-sequence the masking step produces the Lth third m-sequence, and therefore Lth secondary scrambling code is generated by adding the second m-sequence to the Lth third m-sequence, the Lth third m-sequence being generated by cyclically shifting the first m-sequence by Lchips during the masking step" whereas the claim recites "the masking step shifts the first m-sequence to generate an Lth secondary scrambling code." Applicant now introduces a new element the Lth third m-sequence to make the claim equivalent to applicant's interpretation above. Therefore, the claim is not written in a clear and concise manner so as to be interpretable by one of ordinary skill in the art in the same manner. It is noted that what applicant desires to claim is not what is recited in the claim language. Examiner still asserts that the claim limitation as claimed "the masking step shifts the first m-sequence to generate an Lth secondary scrambling code" is not equivalent to applicant's interpretation above. Regarding claims 1 and 21, Applicant still fails to address the citations provided by Examiner and explained on page 3 of the last office action. Applicant on the contrary states "in Burns it is the PN code of the PN generator that is masked as shown in fig. 3." The section cited by Examiner column 8, lines 45-61 is related to fig. 4 and is totally distinct from fig. 3 cited by Applicant. Burns discloses "FIG. 3 is a block diagram showing the mask-offset circuit 212 of vector generator 200 employed to drive the matched-filter correlator 222 of a CDMA demodulator."

"Referring to FIG. 4, there is shown a masking circuit 303 employed to generate matched-filter vectors from an offset PN code sequence provided from FF PN generator 208."

As explained in the last office action, column 8, lines 45-61 clearly explains the masking process of Burns. The shift register values are multiplied and combined with adder to produce new values (sequence) in a cyclic process, each value of the sequence is then applied to a register value to produce new state value for each state a new state may be provided which corresponds to a value of the PN sequence shifted by an offset delay and then combining with the mask value to produce offset sequence (scrambling code).

Therefore, Applicant's arguments are not persuasive. The request for reconsideration has been considered but does not place the application in condition for allowance..

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